

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Luca Ceruti, et al. Examiner: Letscher, G
Serial No. 10/696,873 Art Unit: 1752
Filed: October 30, 2003 Docket No. 01025US01
Title: SILVER HALIDE PHOTOGRAPHIC EMULSION AND PHOTOGRAPHIC
ELEMENT COMPRISING IT

**DECLARATION RELATING TO AN INVENTION INCLUDED BUT NOT
CLAIMED IN A COPENDING ISSUED PATENT
UNDER 37 C.F.R. §1.132**

MAIL STOP: AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF EVA GENESIO

I, **Eva Genesio**, do state and declare as follows:

- 1) My name is **Eva Genesio**.
- 2) I am a named inventor on U.S. Patent No. 6,664,038.
- 3) I have reviewed the claims of U.S. Patent No. 6,664,038, the specification of U.S. Patent No. 6,664,038, and the claims of the present application, Serial No. 10/696,873.
- 4) The subject matter of the claims of the present application, Serial No. 10/696,873 was disclosed but not claimed in U.S. Patent No. 6,664,038.
- 5) Upon review by me, with counseling from qualified legal personnel on the issue of inventorship under U.S. Patent Law, it is my opinion that the subject matter of the claims of the present application, Serial No. 10/696,873 that was disclosed but not claimed in U.S. Patent No. 6,664,038 was the invention of only Luca Ceruti and Simona Fava.
- 6) The subject matter of the claims of the present application, Serial No. 10/696,873 that was disclosed but not claimed in U.S. Patent No. 6,664,038 was derived from Luca Ceruti and Simona Fava in contemporaneous work performed amongst the four inventors on U.S. Patent No. 6,664,038 and Simona Fava.
- 7) The subject matter of the claims of the present application, Serial No. 10/696,873 that was disclosed but not claimed in U.S. Patent No. 6,664,038 is therefore, with respect to the claims in U.S. Patent Application Serial No. 10/696,873, not the invention of another.

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8) It is my professional opinion that the above information is accurate and reflects my best understanding of the facts and law with respect to inventorship under U.S. Patent Law. The inventorship on U.S. Patent Application Serial No. 10/696,873 which is the subject matter of the claims of the present application, Serial No. 10/696,873 that was disclosed but not claimed in U.S. Patent No. 6,664,038 is in my belief the invention of only Luca Ceruti and Simona Fava as compared to the claimed invention of the cited reference, U.S. Patent No. 6,664,038.

9) It is my belief that the invention represented by the subject matter of the claims of the present application, Serial No. 10/696,873 that was disclosed but not claimed in U.S. Patent No. 6,664,038 was contemporaneously invented with the invention claimed in U.S. Patent No. 6,664,038 and neither was known to me to be made prior to the other.

Signed this 5th day of November, 2004.

Signed Eva Genesis
Eva Genesis

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